

***SUPREME COURT MINUTES**
WEDNESDAY, SEPTEMBER 7, 2011
SPECIAL SESSION – UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW, SAN FRANCISCO, CALIFORNIA
REMARKS BY CHIEF JUSTICE TANI CANTIL-SAKAUYE

The Supreme Court of California convened for a special session at the University of California, Hastings College of the Law, 198 McAllister Street, Fourth Floor, San Francisco, California, on September 7, 2011.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

CHIEF JUSTICE CANTIL-SAKAUYE: Good morning. Welcome to this special session of the California Supreme Court. For more than a decade the state's high court has held oral arguments at locations other than San Francisco, and our traditional venues in Los Angeles and Sacramento. These special sessions like today are an important part of our public outreach, and it's also an expression of commitment to inform Californians about their courts, and the role of the judiciary in our democracy.

I would like to begin today's session by introducing my colleagues on the bench. They are seated in order seniority, alternating between my right and left. To my immediate right is Justice Joyce Kennard, and to my left is Justice Marvin Baxter. Justice Baxter is a proud UC Hastings alumnus for whom, along with his wife, Jane, who's present in the third row, this center was dedicated in January.

Justice Baxter, it is a special pleasure for the court to meet here today in a facility named in your honor. Seated next to Justice Kennard on my right is Justice Kathryn Werdegarr, and next to Justice Baxter on my left is Justice Ming Chin. Back to my right, is another very distinguished UC Hastings graduate, Justice Carol Corrigan.

And I'll shortly ask our two Hastings alumni if either wishes to say a few words in a few moments. But before I wrap up my introduction, it is with great pleasure that I introduce our newest Associate Justice, Goodwin Liu, fresh from his confirmation hearing a week ago and swearing-in on Thursday. Welcome. This is Justice Liu's second day on the bench. I know that I speak for all members of the courtroom when I extend our sincere and enthusiastic welcome to

Justice Liu. Please join me in congratulating our newest member of the California Supreme Court.

[Applause.]

Also with us today is our court's very able Clerk/Administrator, Fritz Ohlrich, who is present here somewhere. As is always the case, he has been of invaluable assistance in facilitating this special oral argument session.

And now, Justice Baxter and then Justice Corrigan: Any words of wisdom or comfort to those attending your alma mater?

JUSTICE BAXTER: Thank you, Chief. I'll proceed in order of seniority, if that's okay. It's just a wonderful experience to be here.

In my case, Jane and I were married the summer before I enrolled in Hastings in 1963. She taught second grade in Burlingame and put me through law school, and we settled in Fresno where I started out as a prosecutor and later went into a private law practice.

But I must say that the experience that I've had at Hastings was a wonderful experience. It was at the heyday of the 65 Club which I'm sure most of you have never heard of, but it involved Hastings having a unique policy of accepting professors to teach at Hastings who, as a matter of policy, were put out to pasture by all of the other law schools in the United States. So I had the privilege of having Dean Prosser for torts. Dean Prosser had been the dean of Boalt Hall, turned 65, and therefore I had him in my first year here in Hastings, and also Professor Perkins, in criminal law.

Again, he was then 72 years of age, he had been put out to pasture by UCLA, as had number of other law school professors who, in hindsight, I must say, made an absolutely amazing collection of professors, and I'll be forever be grateful to Hastings for the foundation that it provided me and my classmates. So thank you, Chief.

CHIEF JUSTICE CANTIL-SAKAUYE: Thank you, Justice Baxter. Justice Corrigan.

JUSTICE CORRIGAN: Briefly just to say that it's always wonderful to come back to your roots, and I'm very proud and pleased to say that Hastings is a very much part of my roots. In addition to going to school here, I was very pleased to be able to be in the agent faculty here for many years, teaching through practice, and I often did so in this room. And I must say that it never looked this good. So on behalf of generations of students and faculty who taught in this room when it was at nothing like its current splendor, very much thank you to Justice Baxter and Jane for their tremendous contribution of the law school. It's a pleasure to be here.

CHIEF JUSTICE CANTIL-SAKAUYE: Thank you Justice Corrigan. It's now my pleasure to introduce the chancellor and dean of UC Hastings, Frank Wu. Dean Wu just completed recently his first year at Hastings after many years at other universities as a law professor and a dean. And in announcing his appointment after a national search, the board chair called Dean Wu "a brilliant, world-class scholar and a national leader in higher education" with "a powerful, strategic vision for the school."

Dean Wu is nationally known for his leadership in higher education and human rights. He is the author of *Yellow: Race in America Beyond Black and White* and he's coauthor of *Race, Rights and Reparation: Law and the Japanese American Internment*.

I want to express the court's great appreciation to Dean Wu for extending the invitation to hold oral argument here today at Hastings in the Justice Marvin and Jane Baxter Appellate Justice Center. Our thanks also go to the professors, lawyers, and law school student staff, who are with us in this hall, as well as to those in the auditorium where our proceedings are being videocast. Dean Wu, please:

DEAN WU: Thank you and welcome. On behalf of everyone here at the University of California, Hastings College of the Law, allow me to welcome you to the first law school of the American blast. I'd like to take just a moment to reflect on the value of legal education. As you, no doubt know, there are many commentators these days in the blogosphere and the mainstream media, angry and anonymous, doubting whether legal education is even worthwhile. I take those concerns seriously. Yet more than ever, the rule of law is crucial to our democracy. It's apparent that everything else whether it is the enforcement of contracts, the protection of our civil rights that our progress as a nation, depends on law.

Whether it is in places facing the challenges from recovering from war, economies that are developing rapidly or right here at home where ordinary people continue to have dire needs access to justice is one of our highest ideals. It is what allows us as a society to serve as a beacon beckoning the world over. And it is not merely access to justice that is so important. It is access to justice that is fair and found on principles. So the law requires lawyers, and lawyers are self-produced by law schools. We, too, then are to ensure access. And not just access but access to the highest quality of legal education. The type of training that is practical—that gives people the real world skills so that when they ask is there a good return on their investment, the tuition paid, the time spent here—that they're not only good at saccadic dialogue—but they can solve problems and lead.

It is up to us together, I believe, the bench, the bar, the academy, to develop a new model for legal education. So with those words, I welcome you, and I thank you. This is, I believe, what is law school at its best. The opportunity to see law at work in action applied in the real world. Thank you so very much.

CHIEF JUSTICE CANTIL-SAKAUYE: Thank you, Dean Wu.

In addition to claiming as distinguished alumni two sitting members of the court, UC Hastings and the Supreme Court enjoy several other connections, most obviously of course that the school was founded and by, and bears the name of, our first Chief Justice, Serranus Clinton Hastings.

And in announcing his gift at the University of California commencement on June 5, 1878, Chief Justice Hastings summarized his vision for the college:

“The desire of the founder,” he said “is to diffuse a knowledge of the great principles of jurisprudence, not only among those who propose to devote themselves to the noble profession of the law, but also among all classes of society; to elevate the general standing of the Bar, and to maintain and perpetuate the purity and dignity of the Bench; for, without this, civilized government cannot exist; the rights of property, life and liberty will vanish and become an exploded theory of the past,” Justice Hastings goes on to say, “communism, mobs and other disorders will prevail against law, order and good government.”

At least seven other Supreme Court justices attended UC Hastings, including Chief Justices Frank Angellotti, who served from 1915 to 1921, and William Waste, who served from 1926 to 1940. And, as you well know, former Associate Justice Joseph Grodin is on the faculty here.

UC Hastings is also the repository of the papers and memorabilia of the great Roger Traynor, who served on the court for 30 years, from 1940 to 1970, and is regarded as one of the finest jurists of his time.

So in conjunction with the court’s special oral argument session today, as always, the briefs relating to the cases on the court’s docket today, have been posted online, along with synopses of the issues and descriptions of the operations of the California Supreme Court, and the state’s judicial system.

Many of our law school graduates enter into the practice unfamiliar with the structure of state courts and the nature of state laws. That’s unfortunate, because the vast majority of cases—as much as 98 percent of the nation’s legal disputes—are resolved at the state court level.

It’s here that judicial decisions are made concerning issues such as whether a party to a contract is compensated for a breach of that agreement, whether an injured person is awarded a judgment for an injury caused by someone’s negligence, what will be the financial and custodial consequences of a marital dissolution, whether a tenant can be lawfully evicted, or whether a defendant facing criminal charges will be found guilty and sentenced to prison or in some cases face the death penalty.

Or even, as was before us, as yesterday, we must address questions arising from the initiative power under the California Constitution. The stakes in these cases may be very high, affecting the most fundamental aspects of an individual's life. California's judiciary is the largest in the nation, double the size of the federal Article III judiciary nationwide. And not only do millions of individuals turn to state courts to settle their disputes and vindicate their rights, but the stakes in cases brought in California's courts may affect the most fundamental aspects of an individual's life.

And over the past decade, the judicial branch of our state has become stronger and more effective because of the collective efforts of the three branches of government. Each of the three branches—coequal and independent—must rely on the other two in order to fulfill its role in the balanced system of government that our Founders, national and state, established for us.

The public has benefited greatly from the structural reforms of recent years: the shift to state funding for the trial courts in 1997, unification of 220 superior and municipal courts into a rational 58 courts, and the Trial Court Facilities Act of 2002 that initiated the transfer of ownership and management responsibility for the state's 532 courthouses in court facilities from the counties to the state.

Each of these reforms is an historic achievement. And together they represent one of the great present-day successes of California state government. The result is a more efficient and effective court system, better able to meet the needs of the people of this state than at any other time in our history. We have self-help centers in every county, complex litigation courts around the state, we've made remarkable progress on delivering uniform access to justice despite an ever increasing statewide caseload.

So although the branch is as old as statehood, we are, in fact, really only 14 years young. The court system is still evolving—still realizing its full potential of the structural reforms, the extraordinary talents of the finest bench and bar in the nation, and the promise of law students, like yourselves, and young lawyers here this morning that I've seen here and around the state.

I think it's noteworthy to also tell you that only 2.4 percent of the state budget is used to ensure that 37 million Californians are assured their rights under our Constitution, that businesses and residents are provided lawful means to settle disputes, and that those accused of crimes are prosecuted fairly; 2.4 percent of the state budget to fulfill responsibilities of state government—to ensure civil rights and protect public safety.

As we know, government is in a period of contraction, and we will need fresh thinking, like yours, to help us continue to meet the needs of California.

So at this time, I'd like to indicate to you with our seven justices here, we hope, that today's session will give you a better understanding of California judicial system and the rule of

law that protects us all. And one day, some of you maybe in our seats. And if the history of Hastings is true, many of you will be in our seats; I certainly hope so.

So California judicial branch is an extraordinary period of innovation and challenge. And your understanding of California's judicial system, and your support of our efforts to protect the public's access to justice, will be vital to the success of our efforts.

Thank you once again for inviting us and for making today's special session possible.

The Reporter of Decisions is directed to place these special proceedings on the minutes of the court so that they will be included in the Official Reports of the decisions of our court. Thank you.